1950

File No. O. Post office/50

Legal Deptt

A BRANCH

Subject:— Opinions under the Indian Post office Act 1898

R. 3. (E)

O. Post office /50

File No.

Gen. 104 e.

100-A

Legal Department, G. P. O. Post-offices /50

Sr.No.	G.I./J.No.	Subject	Pages
		Opinion and ruling as to effect of Indian Post Offices Act, 1898.	
1.	G.I./J.128 5-1-50	Sec. 4. Whether the carrying of the official correspondence by the State Transport Authorities in their buses is an infringement of Sec. 4.	1-4

G.I./J.
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5 copies

L.D.R.I.No. 21229 dt. -49.

Submitted.

Please see H.D. note at p. 15 ante,

The facts of the case are as under. The post-mastper General atp. 1 states that it has been represented to him that the Bombay State Transport Bus Authorities transmit their correspondence and letters emanating from various offices and places in sealed bags which are conveyed by the bus conductors to their destinations. The officials working at different stations exchange letters in the sealed bags. The receiving station opens the bag and further disposes of such letters by onward transmission in sealed bags. The system adopted by the State Transport Authorities would appear to be an infringement of section 4 of the Post Office Act and in contravention of the directions issued on the subject by G.R.R.D.No. 2799-33 dated 1-9-1936.

The P.M.T.C. at p. 9 states that it is true that the official correspondence of the State Transport is carried in the buses to facilitate prompt delivery their stations. He further states that Govt. depts. engaged in transport services can carry their own 'Dak' and as such State Transport would be eligible to the same privilege. In this connection he has referred to the carrying by the Railways of the 'Dak' and he feels that the case of the State Transport would be covered by section 4(B) of the Indian Post Office Act, 1898 as the method of carrying their own letters in their own conveyances "solely concerns the affairs of the sender and the Receiver" as provided in the section.

The question raised for consideration of the R.L.A. is whether the carrying of the official correspondence by the State Transport Authorities in their buses is an infringement of section 4 of the Post Office Act.

Office of the R.L.A.

The Indian ~~Post~~ Post Office Act, 1898. Section 4.

The legal position has been considered in R.L.A.'s opinion No. 819, dated 10-2-1936 (vide para.6) and No. 5053, dated 20-6-1942, copies of which are sent herewith.

Sd/-P.M.Lad
4-1

C.C. Remembrancer of Legal Affairs.

L.R. to P.& S.D. through H.D. No. 128, dated the 5th January 1950-

S.A.K.
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